



UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

KATHERINE SEAMAN, *individually and on  
behalf of all others similarly situated*, et al.,

Plaintiffs,

-against-

NATIONAL COLLEGIATE STUDENT LOAN  
TRUST 2007-2, et al.,

Defendants.

18-CV-1781 (PGG) (BCM)

**ORDER**

CHRISTINA BIFULCO, *individually and on  
behalf of all others similarly situated*, et al.,

Plaintiffs,

-against-

NATIONAL COLLEGIATE STUDENT LOAN  
TRUST 2004-2, et al.,

Defendants.

18-CV-7692 (PGG) (BCM)

**BARBARA MOSES, United States Magistrate Judge.**

On May 23, 2022, defendants in these related cases, with the consent of plaintiffs, filed a letter-motion (May 23 Ltr.) (Dkt. No. 404 in Case No. 18-CV-01781; Dkt. No. 328 in Case No. 18-CV-07692) requesting that the Court seal certain exhibits – consisting of various plaintiffs' college records – which were filed unredacted on August 12, 2021, in opposition to plaintiffs' class certification motion. The documents as to which sealing is now requested are: Dkt. Nos. 329-1, 329-5, 329-9, 329-11, 329-13, and 329-16 in Case No. 18-CV-01781, and Dkt. Nos. 257-1, 257-5, 257-9, 257-11, 257-13, and 257-16 in Case No. 18-CV-07692. May 23 Ltr. at 1. Defendants assert that the exhibits in question "should have been filed with redactions pursuant to this District's Electronic Case Filing Rules and Instructions but were inadvertently filed unredacted." *Id.* On May 24, 2022, defendants filed redacted copies of the relevant exhibits, excising plaintiffs' home phone numbers, addresses, and email addresses, as well as their dates of

birth (leaving only the year visible), and various financial account numbers (leaving only the last four digits visible.) (Dkt. No. 405 in Case No. 18-CV-01781; Dkt. No. 329 in Case No. 18-CV-07692.)

Because the redactions are either required by Fed. R. Civ. P. 5.2 or permitted pursuant to *Lugosch v. Pyramid Co. of Onondaga*, 435 F.3d 110 (2d Cir. 2006), and its progeny, the motion is GRANTED.

The Court notes, however, that the unredacted exhibits have been publicly available on the electronic docket of both actions for more than nine months. During that period, the parties filed and refiled sealing orders regarding other portions of the papers filed in opposition to class certification but neglected to include the documents now at issue. (*See* Dkt. Nos. 324, 361, 365, 382, 393, and 394 in Case No. 18-CV-01781; Dkt. Nos. 252, 290, 294, 310, 321, and 322 in Case No. 18-CV-07692.) By Order dated May 3, 2022 (Dkt. No. 398 in Case No. 18-CV-01781; Dkt. No. 326 in Case No. 18-CV-07692), I approved the sealing or redaction of a limited number of documents, while directing that "[a]ll other declarations, exhibits thereto and briefs filed in connection with the Rule 23 motion [for class certification] will be unsealed[.]" Three weeks later, defendants made the instant motion. The Court further notes that although defendants report that they notified the ECF Help Desk on April 27, 2022 that the documents now at issue should be temporarily sealed, they remain publicly accessible – under two different docket entries in each case: Dkt. Nos. 329 and 331 in Case No. 18-CV-01781; Dkt. Nos. 257 and 259 in Case No. 18-CV-07692.

For these reasons, it is hereby ORDERED that following documents shall be placed under seal at the "Applicable Party" viewing level, restricting access to the Court and the parties to these actions:

In Case No. 18-CV-01781: Dkt. Nos. 329-1, 329-5, 329-9, 329-11, 329-13, 329-16, 331-1, 331-5, 331-9, 331-11, 331-13, and 331-16

In Case No. 18-CV-07692: Dkt. Nos. 257-1, 257-5, 257-9, 257-11, 257-13, 257-16, 259-1, 259-5, 259-9, 259-11, 259-13, and 259-16.

It is further ORDERED that the parties shall show cause in writing no later than **June 1, 2022** why they should not be sanctioned for filing these exhibits unredacted and failing to rectify the error for more than nine months, and what they will do to prevent the recurrence of such errors.

Dated: New York, New York  
May 25, 2022

**SO ORDERED.**



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**BARBARA MOSES**  
**United States Magistrate Judge**